



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE September 1 st , 2006 LOCAL EFFECTIVE DATE September 16 th , 2006 APPROX FINAL EFFECTIVE DATE October 7 th , 2006	CONTACT/PHONE Mike Wulkan 781-5608	APPLICANT Patrick & MaryAnne Marshall	FILE NO. DRC2005-00199
SUBJECT Request by Patrick and MaryAnne Marshall for a Minor Use Permit/Coastal Development Permit to allow development of an approximately 2,750 square-foot, single-story manufactured home and an approximately 960 square-foot detached garage. The project will result in the disturbance of approximately 16,000 square feet of an approximately 28,000 square-foot parcel. The proposed project is within the Residential Suburban land use category and is located at 840 Rizal Avenue, at the northwest corner of Rizal Avenue and Hillview Place, west of Highway 1 (Guadalupe Road) in the community of Callendar-Garrett. The site is in the South County Planning Area.			
RECOMMENDED ACTION Approve Minor Use Permit/Coastal Development Permit DRC2005-00199 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on July 17 th , 2006 (ED 06-021).			
LAND USE CATEGORY Residential Suburban	COMBINING DESIGNATION Local Coastal Plan	ASSESSOR PARCEL NUMBER 091-194-046	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: None applicable.			
LAND USE ORDINANCE STANDARDS: Section 23.01.043: Appeals to the Coastal Commission (Coastal Appealable Zone); Section 23.07.120: Local Coastal Program. <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

EXISTING USES: Two sheds	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Suburban/single-family residences <i>East:</i> Residential Suburban/single-family residences <i>South:</i> Residential Suburban/single-family residences <i>West:</i> Residential Suburban/community well (not in use)	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: South County Advisory Group, Public Works, Environmental Health, Agricultural Commissioner, Nipomo Community Services District, Regional Water Quality Control Board, CDF/County Fire Department, and the California Coastal Commission.	
TOPOGRAPHY: Relatively level	VEGETATION: Grasses, forbs
PROPOSED SERVICES: Water supply: Woodland Park Mutual Water Company Sewage Disposal: Individual septic system Fire Protection: CDF/County Fire Department	ACCEPTANCE DATE: June 21 st , 2006

DISCUSSION

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

Section 23.01.043 – Coastal Appealable Zone

The project is appealable to the Coastal Commission because the site is located in the appealable area between the first public road and the beach.

Section 23.07.120 – Local Coastal Program

The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

COASTAL PLAN POLICIES:

The project is consistent with the Local Coastal Plan. The most relevant policies follow.

Shoreline Access: ☒ Policy No. 2: New Development

Recreation and Visitor Serving: N/A

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats: N/A

Agriculture: N/A

Public Works: N/A

Coastal Watersheds: N/A

Visual and Scenic Resources: N/A

Hazards: N/A

Archeology: N/A

Air Quality: N/A

Does the project meet applicable Coastal Plan Policies: Yes.

COASTAL PLAN POLICY DISCUSSION:

Shoreline Access

Policy 2, New Development: The proposed project is consistent with this policy which states that new development provide maximum public access from the nearest public roadway to and along the shoreline, with exceptions. The project will not interfere with public access because it is not adjacent to Highway 1.

SOUTH COUNTY ADVISORY GROUP COMMENTS:

The South County Advisory Group has reviewed the project and has no comments (see attached project referral, dated June 26th, 2006).

AGENCY REVIEW:

Public Works – No concerns.

Environmental Health – “This project shows the water supply to be a shared well. This office will need information about the shared well. Is this an existing shared well legal agreement?” (Development is to be connected to a community water system.)

Ag Commissioner – No comments received.

CDF/County Fire Department – No comments received.

California Coastal Commission – No comments received.

LEGAL LOT STATUS:

The existing lot was legally created by a recorded map at a time when that was a legal method of creating lots (Parcel A, Parcel Map No. CO-69-92).

Staff report prepared by Mike Wulkan and reviewed by Matt Janssen.

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Section 15303 because the proposed project is a single-family residence in a residential zone.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the development of a single-family residence and detached garage is an allowed use, and as conditioned, is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the development of a single-family residence and detached garage does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the development of a single-story manufactured home and a detached garage is similar to, and will not conflict with, the surrounding residential land uses category and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is a replacement for a previously existing single-family dwelling and will therefore not generate additional traffic, and because the project is located on Rizal Road, a local road constructed to a level able to handle the traffic associated with the project.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and will not inhibit access to the coastal waters and recreation areas.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes:
 - a. development of an approximately 2,750 square-foot, single-story manufactured home and an approximately 960 square-foot detached garage
 - b. a maximum height of 35-feet (as measured from average natural grade)

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

4. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in a Fire Safety Plan, to be prepared by the CDF/County Fire Department for this proposed project, plus the following:
 - a. Construction of a minimum 18-foot-wide all-weather surface road back to the nearest county maintained road, if determined by the CDF/County Fire Department to be needed.
 - b. Propane tanks that have a capacity of up to 500 gallons shall have a minimum 10-foot setback from buildings and property lines, and 500 to 2,000-gallon tanks shall have a minimum 25-foot setback from buildings and property lines.

Services

5. **At the time of application for construction permits**, the applicant shall provide a letter from Woodland Park Mutual Water Company stating they are willing and able to service the property.

Building and Construction Ordinance

6. **At the time of application for construction permits**, the applicant shall submit evidence that the existing septic system is to be properly abandoned, and that the new septic system is adequate to serve the proposal and meets required setbacks.
7. **At the time of application for construction permits**, construction plans shall show that the new septic system is located a minimum of 100-feet from any municipal well.

8. **At the time of application for construction permits**, the applicant shall submit a septic verification form filled out by a C-42 plumber.

Conditions to be completed prior to issuance of a construction permit

Fees

9. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Landscape Plan

10. **Prior to issuance of a construction permit**, submit a final landscape plan to the Department of Planning and Building for review and approval. The landscape plan shall show all areas proposed to be landscaped. Turf area shall be limited to less than 20% of site area.

Conditions to be completed during project construction

Building Height

11. The maximum height of the project is 35-feet from average natural grade.

Conditions to be completed prior to occupancy or final building inspection

12. **Prior to final inspection of occupancy, whichever occurs first**, landscaping in accordance with the approved landscaping plan shall be installed or bonded for. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
13. **Prior to occupancy or final inspection, which ever occurs first**, the applicant shall obtain final inspection and approval from CDF/County Fire Department of all required fire/life safety measures.
14. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

15. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Coastal Zone Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Coastal Zone Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
16. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.

[illegible]

Minor Use Permit
Williams DRC2005-00199

Arroyo Grande Vicinity

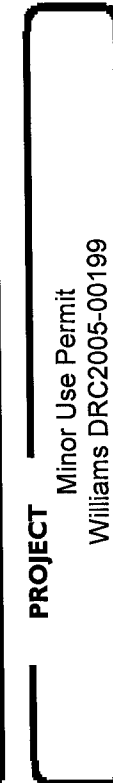
Project Site

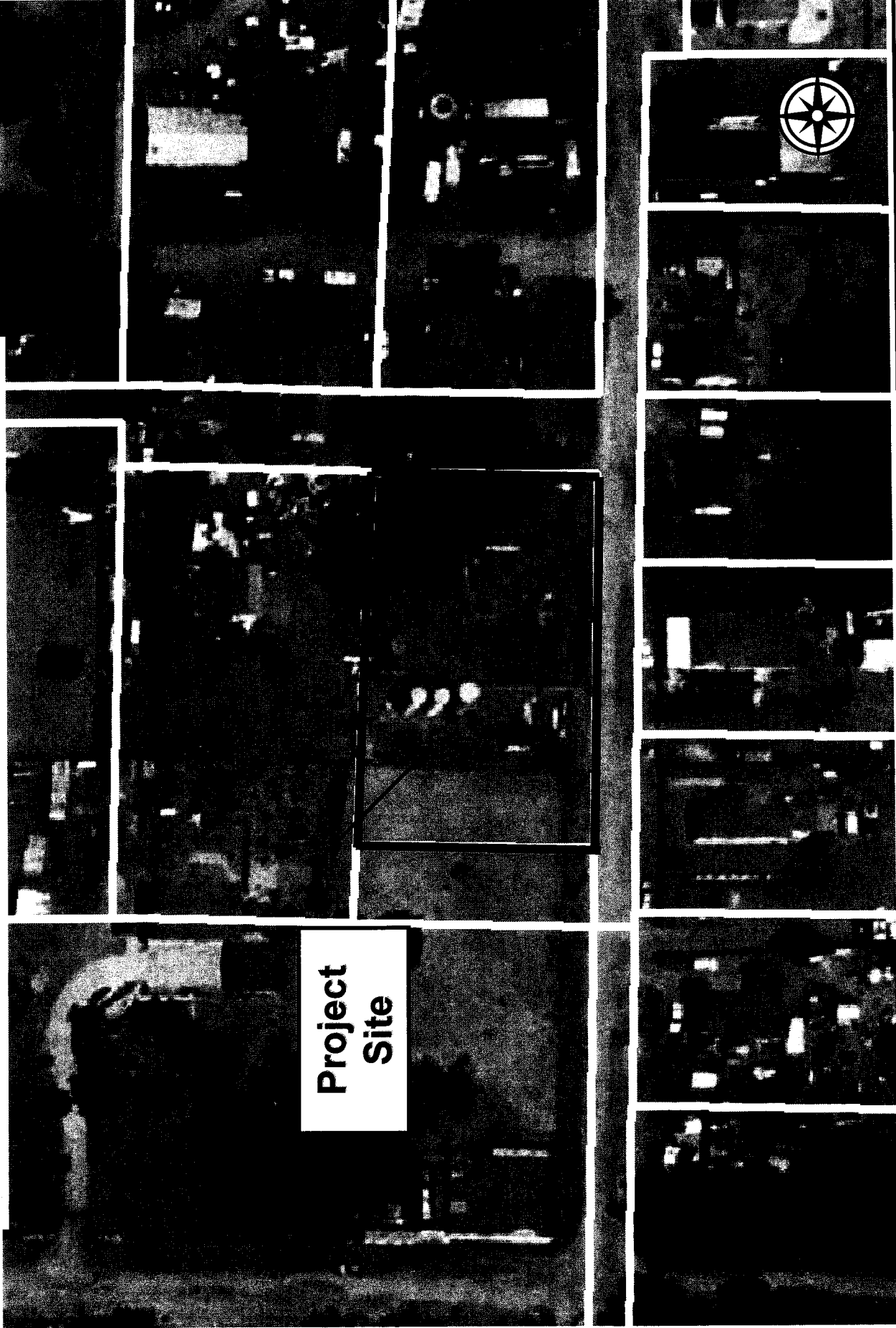
PROJECT Minor Use Permit
Williams DRC2005-00199

Minor Use Permit
Williams DRC2005-00199

EXHIBIT _____
Land Use Category Map

Land Use Category Map





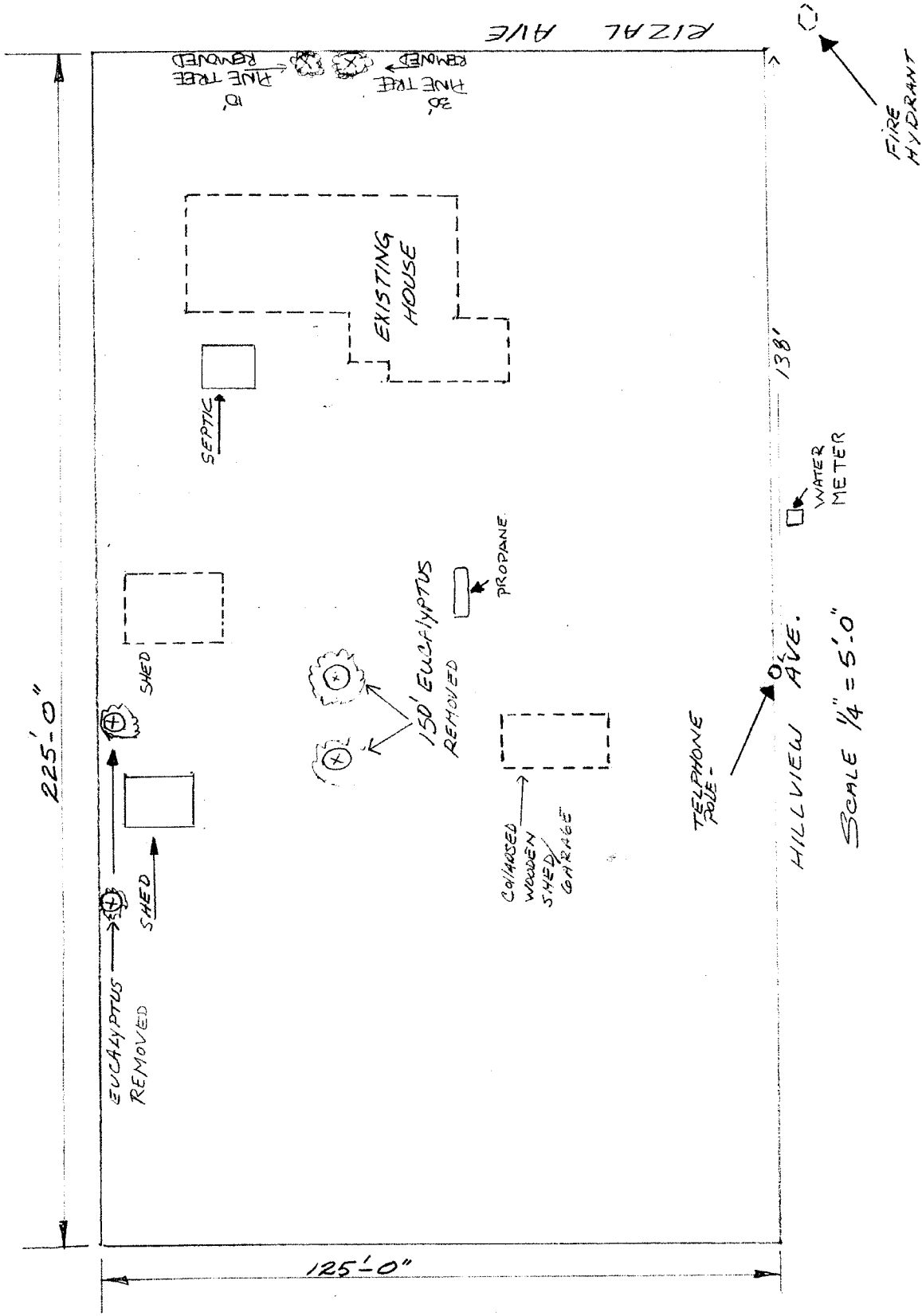
EXHIBIT

Aerial Photo



PROJECT

Minor Use Permit
Williams DRC2005-00199



EXHIBIT

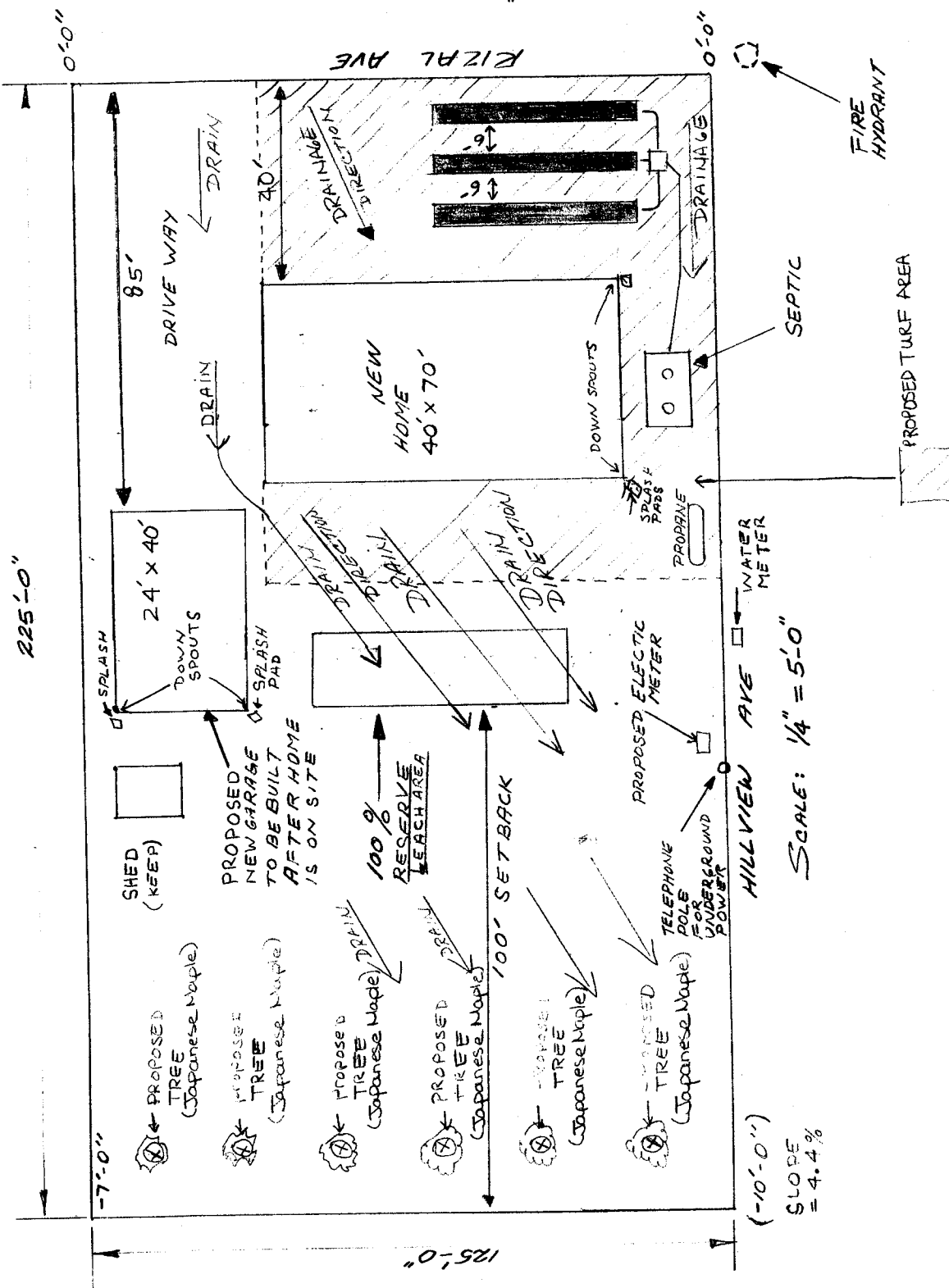
Existing Site Plan



PROJECT

Minor Use Permit
Williams DRC2005-00199

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



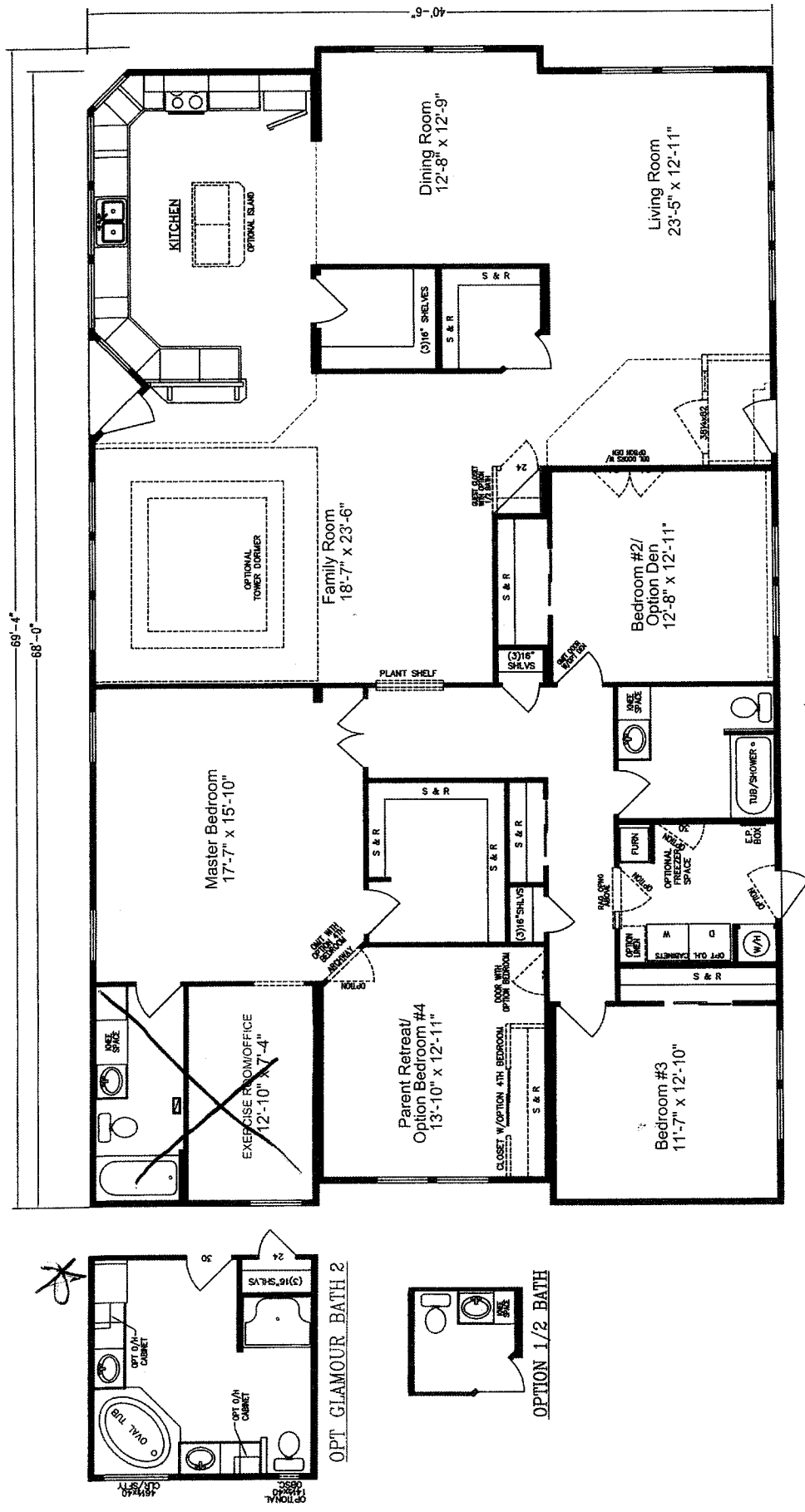
PROJECT

Minor Use Permit
Williams DRC2005-00199



EXHIBIT

Proposed Site Plan



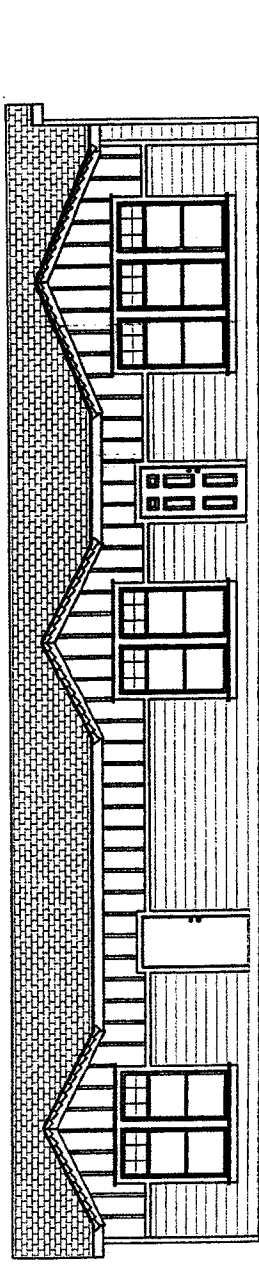
EXHIBIT

Floor Plan

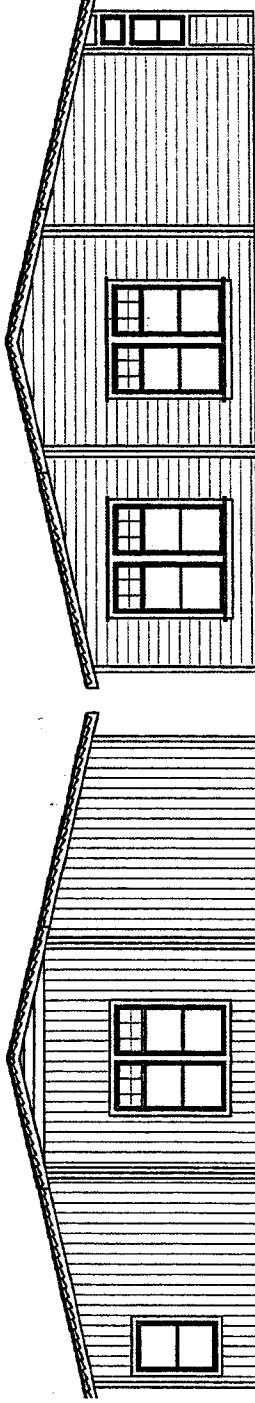


PROJECT

Minor Use Permit
Williams DRC2005-00199

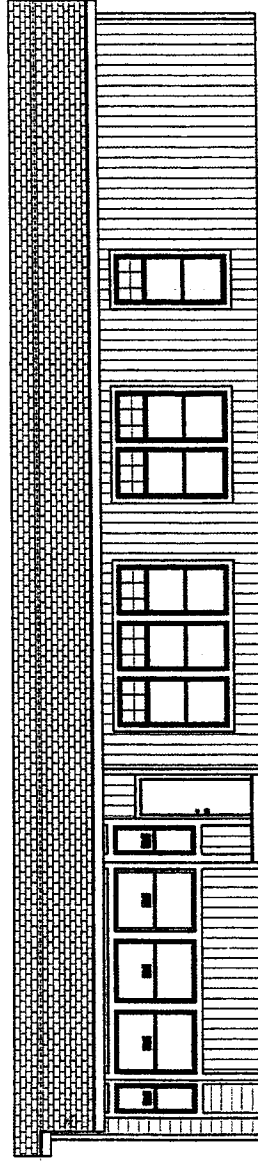


Front View

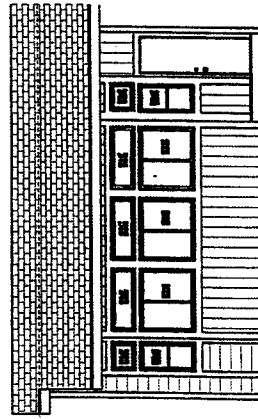


Left View

Right View



Rear View



Optional kitchen window configuration

9' TAIL WALLS

PROJECT

Minor Use Permit
Williams DRC2005-00199

EXHIBIT

Elevations



**PROJECT REFERRAL
COMMUNITY ADVISORY COUNCIL**

Date Referred: MAY 11, 2006

Project Planner/Manager: MIKE WULKAN

The attached application was recently filed with the Planning Department for review and approval. Because the proposal may be of interest or concern to your community group, we are enclosing a copy of the project application and plan for your preliminary review and comment. Please comment on all issues that you see may be associated with this project.

You may want to contact the applicant and/or agent for the project to request a presentation to your group, or simply to answer questions about the project. The telephone number and address for the applicant / agent are provided on the application form that is attached.

PROJECT INFORMATION

File Number: DRC2005-0199 Applicant: MARSHALL

Request: MUP FOR SINGLE FAMILY DWELLING & GARAGE AT
840 RIZAL AVE., NORTHWEST CORNER HILLVIEW/RIZAL
STAFF COMMENTS: CALENDAR-GARRETT

C.A.C. COMMENTS The attached checklist is to help you with your review. *You may choose to complete the checklist as your only response to this referral.*

- ☒ We have received the referral on the above-referenced project and have no comments.
☐ We have received the referral and have the following comments:

Please let us know the following:

- | | | |
|------------------------------|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Does your community group want to receive notice of the public hearing for the project? |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Does your community group want a copy of the staff report when the project goes to public hearing? |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Does your community group want to receive notice of the final action for the project? |

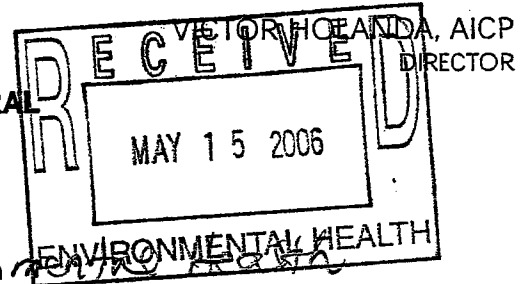
Date Referral Action Taken By Community Advisory Council: 6-26-06

SEE REVERSE



9
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL



DATE: 4/14/06

TO: File Laurie Salo, Environmental Health

FROM: ☐ - South County Team

☐ - North County Team

☒ - Coastal Team

Mike Wulker #5608

PROJECT DESCRIPTION: File Number: DR2005-00199 Applicant: Williams
MUP -> replacement dwelling. Located off Rizal Ave.
in Arroyo Grande APN: 091-194-046

Return this letter with your comments attached no later than: 4/29/06

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

☐ YES

(Please go on to PART II.)

☐ NO

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

☐ NO

(Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial:

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

The project shows the water supply to be a shared well. This office will need information about the shared well. Is there an existing shared well legal agreement?

5/23/06
Date

L. Salo
Name

781-5551
Phone

9

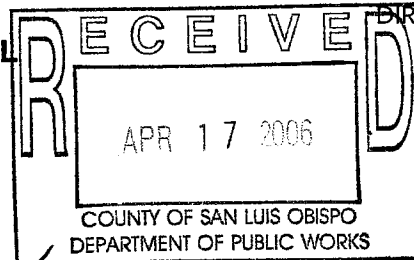


SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

MW

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL



DATE: 4/14/06

From ~~AD~~ PW ppm

To FROM: ☒ South County Team ☐ - North County Team ☒ - Coastal Team

PROJECT DESCRIPTION: File Number: DRC2005-00199 Applicant: Williams
MUP -> replacement dwelling. Located off Rizal Ave.
in Arroyo Grande APN: 091-194-046

Return this letter with your comments attached no later than: 4/29/06

PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

☒ YES
☐ NO

(Please go on to PART II.)
(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

☒ NO

(Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

NO concerns.

Date MAY 9-2006

Name DAN MANLON

Phone 781-5275